



Township Statement on Valve Location

June 2021

Township staff was asked why West Whiteland did not try to stop Energy Transfer from installing an automatic shutoff valve on the Laborers Training Center property as part of the Mariner East 2 pipelines, when the Township's zoning ordinance appears to prohibit the valve in that location. The answer is that state regulation of pipelines through Pennsylvania Public Utility Commission (PUC) preempts enforcement of that zoning regulation.

In a series of cases in 2018 and 2019, Pennsylvania appellate courts made clear that the "General Assembly intended the PUC to be preeminent in regulation of public utilities when questions arise about local zoning, absent an express grant of authority to a local municipality."

The West Whiteland Code provisions concerning location of "surface land uses affiliated with transmission pipelines" were enacted in 2015, prior to the statewide court decisions. The recent cases have made clear that municipalities have no ability to zone with respect to utility structures which are not buildings, including shutoff valves.

Township officials continue to be concerned about the lack of state regulations for the siting of oil and gas pipelines. There is a PUC rulemaking process underway that may enhance pipeline safety regulations, but siting regulations are outside of the process' purview. The General Assembly would need to adopt legislation authorizing that type of change.

To be clear, the installation of the new automatic shutoff valve is a welcome safety measure. In 2019, West Whiteland obtained expert factual analysis to inform our comments about community safety needs for the PUC rulemaking process. The expert analysis stated that "[i]t needs to be clearly conveyed that mainline valve installations are safety devices in the event of pipeline rupture, and are not a safety risk." In other words, the valve increases, rather than decreases, community safety in the case of pipeline operational failures by shutting off the flow of the product in the pipeline.